

REC'D 05 JUL 2004

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PO44821PCT BVR/do	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 02/00220	International filing date (day/month/year) 04.04.2002	Priority date (day/month/year) 04.04.2002
International Patent Classification (IPC) or both national classification and IPC H04K1/10		
Applicant TELEFONAKTIEBOLAGET L.M. ERICSSON		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.
	<input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
	These annexes consist of a total of 4 sheets.
3.	This report contains indications relating to the following items:
I	<input checked="" type="checkbox"/> Basis of the opinion
II	<input type="checkbox"/> Priority
III	<input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/> Lack of unity of invention
V	<input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/> Certain documents cited
VII	<input type="checkbox"/> Certain defects in the international application
VIII	<input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 29.09.2003	Date of completion of this report 05.07.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Holper, G Telephone No. +31 70 340-2304 

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International application No. **PCT/NL 02/00220**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-13 received on 06.04.2004 with letter of 06.04.2004

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	4,6
	No: Claims	1,2,3,5,7,8,9,10,11,12,13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following documents are referred to in this examination report:

- D1: EP-A-0 993 142 (LUCENT TECHNOLOGIES INC) 12 April 2000 (2000-04-12)
D2: US-A-5 583 994 (RANGAN P VENKAT) 10 December 1996 (1996-12-10)

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

Concerning system claim 1, D1 is considered to represent the closest prior art. This document discloses (see col.2, l.17-47) a sender arranged to transmit a content file to a receiver, wherein said sender is arranged to divide said content file in a first part and a second part, send said first part to said receiver, encrypt said second part to render an encrypted part and then send said encrypted part to said receiver.

The subject-matter of claim 1 differs from D1 only by the fact that the first part is sent via a cache server and the second part is sent without using the cache server.

D1 however specifies that the first part represents bulk data sent by a broadcast transmitter over a broadcast medium and mentions broadcasting over the Internet (see col.1, l.25). The skilled person would think of enabling an easy and quick access to these signals by using a cache server as disclosed by D2 (see abstract).

By using a cache server in a sender according to D1 the skilled person would arrive at the subject-matter of claim 1 without performing an inventive step.

Claim 1 therefore lacks an inventive step as required by Art. 33(3) PCT.

2) A telecommunication system (claim 7) comprising a sender according to claim 1, a method according to claim 11, a computer program according to claim 12 as well as a data carrier (claim 13) provided with such a computer program lack an inventive step as well.

As a consequence claims 7, 11, 12 and 13 lack an inventive step as requested by Art.33(3) EPC.

3) Dependent claims 2, 3, 5, 8, 9, 10 do not contain any features which, in combination

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with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1 and D2 and the corresponding passages cited in the search report. The implementations defined by claims 3, 5 and 10 are considered to represent trivial embodiments which are standard in the field of the application

4) The combination of the features of dependent claims 4 and 6 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

Transmitting video and audio data over two different channels where one is encrypted or encrypting predetermined frequency components of the content file increase the efficiency of the encryption method.